

Article 2: Health Regulated Businesses and Activities

**Division 13: San Diego Medical Cannabis Voluntary
Verification Card Program**

*(“San Diego Medical Cannabis Voluntary
Verification Card Program”
added 2–25–2001 by O–19036 N.S.)*

§42.1301 Purpose and Intent

It is the intent of the Council to adopt an ordinance, consistent with California Health and Safety Code section 11362.5 (Medical Use of Marijuana), that would enact a medical cannabis voluntary verification card [verification card] program to be administered by an external contracting agency.
(“Purpose and Intent” added 2–25–2001 by O–19036 N.S.)

§42.1302 Definitions

For the purpose of this division the following definitions shall apply:

- (a) “primary caregiver” means the individual designated by the medical cannabis user exempted under this division who has consistently assumed responsibility for the housing, health, or safety of the medical cannabis user.
- (b) “medical cannabis user” means a California resident having the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person’s health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief.
(“Definitions” added 2-25-2002 by O-19036 N.S.)

§42.1303 Eligibility For Verification Card Program

California residents who meet the criteria of the verification process.
(“Eligibility for Verification Card Program” added 2-25-2002 by O-19036 N.S.)

§42.1304 Content of Verification Cards

- (a) Each user card will bear the name of the card holder, a serial number, a picture or photograph of the card holder, and the date of expiration on the card.

- (b) The primary caregiver verification card will bear the name of the caregiver, a serial number, a picture or photograph of the card holder, and the date of expiration of the card.
- (c) Both medical cannabis user and primary caregiver verification cards shall display a message from the City advising that it is illegal to distribute marijuana or to use marijuana for non-medical purposes.
- (d) Both user and caregiver cards will bear a telephone number which law enforcement authorities may call twenty-four hours a day to verify the card is not counterfeit.
- (e) Information which is specifically not to be listed on the card includes the address, telephone number, medical condition, or social security number of the person to whom the card is issued.

(“Content of Verification Cards” added 2-25-2002 by O-19036 N.S.)

§42.1305 Applicability

- (a) A valid verification card shall be recognized by the San Diego Police Department [SDPD] within the jurisdictional limits of the City.
- (b) By recognizing the verification card, SDPD agrees that, unless an officer has reasonable suspicion that the card is counterfeit or that the bearer is not the person authorized to carry the card, any person bearing this card may lawfully possess up to one ounce of marijuana without being subject to arrest for possession of marijuana. Nothing in this section is intended to reduce the rights of a patient or primary caregiver otherwise authorized by Health and Safety Code section 11362.5(d).

(“Applicability” added 2-25-2002 by O-19036 N.S.)

§42.1306 Application Process

- (a) Adults 18 years and older must provide the following when applying for a user card:
 - (1) A completed original Physicians Statement Form.

- (2) Proof of identity in the form of a current and valid government-issued photo identification.
- (b) Minors under the age of 18 years old applying for a user card must submit:
 - (1) A completed original Physicians Statement for Pediatric Minors Form.
 - (2) Proof of identity in the form of a current and valid government-issued photo identification.
 - (3) In addition, Minor applying for a user card must be accompanied by a parent or guardian who must:
 - (i) Provide proof of identity in the form of a current and valid government-issued photo identification; and
 - (ii) Complete and sign a Parent or Guardian Authorization for Minor to Apply for a verification card in the present of a medical cannabis program staff member.
- (c) Persons applying for a medical cannabis primary caregiver verification card must:
 - (1) Provide proof of identity in the form of a current and valid government-issued photo identification; and
 - (2) Be accompanied by patients for whom the applicant serves as a primary caregiver, not to exceed twelve patients per caregiver, including the caregiver. All such patients must apply for and be issued a user verification card and sign and complete a Primary Caregiver Certification Form in the presence of a medical cannabis program staff member.
 - (3) Patients will be deleted from a caregiver's list upon the written request of either the caregiver or the patient or following the expiration of either the patient's or the caregiver's verification card. All patients currently registered with a caregiver will be notified of the expiration of that caregiver's verification card.
 - (4) Patients may be added at any time to a caregiver's list by following the procedure outlined in section (c)(2) above as long as the total number

of patients for that particular caregiver does not exceed twelve, including the caregiver.

(“Application Process” added 2-25-2002 by O-19036 N.S.)

§42.1307 Verification Process

The City Manager may enter an agreement with an agency to operate the verification card program. The contracting agency shall satisfy itself as to the accuracy of the documents presented in the support of the application, including the physician’s recommendation of cannabis use for the applicant. The agency shall maintain a record of the steps taken to verify the documentation in support of the application.

(“Verification Process” added 2-25-2002 by O-19036 N.S.)

§42.1308 Expiration

Based upon the physician’s recommendation, verification card for the cannabis user and caregiver shall be effective up to two years. Lost or stolen cards must be reported to the issuing agency which will cancel the original card and issue a new one containing a new serial number, at the applicant’s expense. A list of canceled cards will be available to law enforcement authorities. A patient or caregiver renewing their verification card upon its expiration must re-submit an application in accordance with section 42.1305.

(“Expiration” added 2-25-2002 by O-19036 N.S.)

§42.1309 Fees

The agency may charge every applicant for a verification card a fee sufficient to cover the costs of the program. A fee waiver program for applicants unable to pay the entire application fee shall be offered and administered by the contracting agency.

(“Fees” added 2-25-2002 by O-19036 N.S.)

§42.1310 Records

In the interest of privacy and protecting patient/doctor confidentiality, all forms submitted shall be returned to the applicant once the application has been processed. No copies of these forms shall be kept. The contracting agency shall maintain individual records identified only by serial number. The record shall contain only the name of the applicant, the type of proof of identity submitted, the name and contact information of the recommending physician, the date and

manner in which the physician's recommendation was verified, the date and type of other documents submitted, the date and serial number of the verification card, and the date the verification card will expire. Upon request from law enforcement, the contracting agency is authorized to verify the current status of verification card based only upon the serial number. Under no circumstances is the personal medical information of the applicant to be included in the record.
(*"Records" added 2-25-2002 by O-19036 N.S.*)

§42.1311 Penalty

Violations of this Division may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code section 12.0201. The City Attorney and the Chief of Police may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202 or pursue any administrative remedy provided in Chapter 1 of the San Diego Municipal Code.
(*"Penalty" added 2-25-2002 by O-19036 N.S.*)